

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

ALLEN MIDDLETON and CHRISTINE MIDDLETON
Debtors

Case 14-43048
Chapter 13

NOTICE OF PRE-CONFIRMATION CHAPTER 13
MODIFICATION OF PLAN

To: Gregory Burrell, Chapter 13 Trustee, and all parties in interest:

PLEASE TAKE NOTICE THAT on November 6, 2014, at 10:30 A.M., before the Honorable Michael Ridgway, Courtroom 7 West, 300 South Fourth Street, Minneapolis, MN 55415, the Court will hold a hearing on the proposed modified plan of the above-named debtors. A copy of the modified plan is attached.

Dated: 10/8/2014

Barbara J. May
Barbara J. May
2780 N. Snelling
Arden Hills, MN 55126
651-486-8887
Attorney ID 129689

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Form 3015-1 - Chapter 13 Plan
UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
MINNEAPOLIS DIVISION

In re:
ALLEN MIDDLETON
CHRISTINE MIDDLETON

CHAPTER 13 PLAN

Dated: **10/01/2014**

Case No. **14-43048**

Debtor
In a joint case,
debtor means debtors in this plan.

AMENDED 10/1/2014

1. DEBTOR'S PAYMENTS TO TRUSTEE --

- a. As of the date of this plan, the debtor has paid the trustee _____.
- b. After the date of this plan, the debtor will pay the trustee **\$850.00** per **month** for **60 months**, beginning within 30 days after the order for relief for a total of **\$51,000.00**. The minimum plan length is ☐ 36 or ☒ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee _____
- d. The debtor will pay the trustee a total of **\$51,000.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE -- The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or **\$5,100.00** [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] -- The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
TOTAL			\$0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] -- The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
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5. CLAIMS NOT IN DEFAULT -- Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Claim
----------	----------------------

**BMW BANK OF NORTH AMERICA
SETERUS**

**LEASEHOLD INTEREST BMW, 9 PAYMENTS REMAIN AT \$7
3912 MONTEREY AVE, ST LOUIS PARK, MN**

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] --The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. ALL FOLLOWING ENTRIES ARE ESTIMATES. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
TOTAL					\$0.00

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
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Debtor(s): **ALLEN MIDDLETON**
CHRISTINE MIDDLETON

Chapter 13 Plan

- 7. CLAIMS IN DEFAULT [§ 1322(b)(3) and (5) and § 1322(e)]** -- The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. ALL FOLLOWING ENTRIES ARE ESTIMATES, EXCEPT FOR INTEREST RATE.

Creditor / Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
TOTAL					\$0.00

- 8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** --The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor / Claim Amount	Secured Claim	Int. Rate	Beg. in Month #	(Monthly Payment)	x (Number of Payments)	= Payments on Account of Claim	+ (Adequate Protection from ¶ 3)	= TOTAL PAYMENTS
TOTAL								\$0.00

- 9. PRIORITY CLAIMS** -- The trustee will pay in full all claims entitled to priority under § 507, including the following. THE AMOUNTS LISTED ARE ESTIMATES. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees					
b. Domestic Support					
c. IRS					
INTERNAL REVENUE SERVICE	\$36,612.00	Pro-Rata	1	58	\$36,612.00
d. MN Dept. of Rev.					
MINNESOTA DEPARTMENT OF REVENUE	\$7,360.67	Pro-Rata	1	58	\$7,360.67
e. Other:					
f. TOTAL					\$43,972.67

- 10. SEPARATE CLASSES OF UNSECURED CREDITORS** -- In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: See below
The trustee will pay the allowed claims of the following creditors. ALL ENTRIES BELOW ARE ESTIMATES.

Creditor / Description	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
TOTAL						\$0.00

- 11. TIMELY FILED UNSECURED CREDITORS** -- The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$1,927.33 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f) and 10(c)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$97,395.82.
- c. Total estimated unsecured claims are \$97,395.82 [line 11(a) + line 11(b)].

UNITED STATES BANKRUPTCY COURT
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14-43048

Debtor(s):

ALLEN MIDDLETON
CHRISTINE MIDDLETON

Chapter 13 Plan

- 12. TARDILY-FILED UNSECURED CREDITORS --** All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claims were tardily filed.
- 13. OTHER PROVISIONS --** The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

LIEN STRIP

14. TREATMENT OF JUNIOR MORTGAGE HELD BY GREAT SOUTHERN BANK

This plan treats any claim of Great Southern Bank, successor of Inter Savings Bank, as unsecured in its entirety, notwithstanding this second mortgage in favor of Great Southern Bank. This second mortgage was originally executed on April 23, 2008, originally to Inter Bank. The mortgage was recorded May 9, 2008, against Debtor's residential real property legally described as LOT 4, BLOCK 10, MINIKAHDA VISTA, ST. LOUIS PARK, MINNESOTA, TOGETHER WITH DRIVEWAY EASEMENT OVER FOLLOWING PREMISES: COMMENCING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 10, MINIKAHDA VISTA ADDITION, WEST ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF NINETY-SEVEN (97) FEET, THENCE SOUTH A DISTANCE OF FOUR FEET; THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT A DISTANCE OF NINETY SEVEN FEET, THENCE NORTH FOUR FEET ALONG THE EAST LINE OF SAID LOT 6 TO THE POINT OF BEGINNING, ALL IN HENNEPIN COUNTY, MN. Inter Bank failed on April 27, 2012, and this mortgage was assigned to Great Southern Bank by the FDIC.

This debt was charged off by Great Southern in May, 2012

Contemporaneously with the Hearing on the Confirmation of this plan, Debtor has brought a motion pursuant to 11 U.S.C. 506, Fed.R.Bankr.P. 3012, and Local Rule 3012-1, to determine the value of this secured claim of Great Southern Bank.

Upon a finding by the bankruptcy court that the value of the Debtor's homestead is less than the balance owed on the senior mortgage held by Citimortgage, the claim held by the junior mortgagee Great Souther Mortgage, will be unsecured in its entirety pursuant to 11 U.S.C. §506(a), and the Trustee should treat the claim as unsecured for purposes of plan administration. In the event Great Southern Bank, or any future assignee or servicer, has not released this lien after completion of the plan and within 60 days of the Trustee's Final Accounting, Debtor may seek supplemental relief under 3012-1(f).

GREAT LAKES HIGHER EDUCATION

TRUSTEE WILL PAY THIS STUDENT LOAN CLAIM

CENTER FOR ENERGY AND ENVIRONMENT

THIS \$10,000 MORTGAGE WAS PAID IN FULL IN 2013 AND CREDITOR HAS NOT YET RELEASED THEIR MORTGAGE. TRUSTEE WILL PAY NOTHING ON A CLAIM IF ONE IS FILED.

BONUSES

BOTH DEBTORS SHALL REPORT THE RECEIPT OF ANY BONUSES TO THE CHAPTER 13 TRUSTEE AND SHALL NOT SPEND THOSE BONUSES WITHOUT PERMISSION FROM THE TRUSTEE

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DISTRICT OF MINNESOTA
MINNEAPOLIS DIVISION

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Case No: 14-43048
Debtor(s): **ALLEN MIDDLETON**
CHRISTINE MIDDLETON

Chapter 13 Plan

Surrender of Tax Refund to Trustee

The debtor shall send the Trustee each year during the Chapter 13 Plan copies of her federal and state income tax returns at the time they are filed. The debtor shall also promptly report to the Trustee the receipt of any state and federal tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$2,000.00 plus any earned income credit (EIC). Any remaining amounts shall be turned over to the Chapter 13 plan as additional plan payment.

14. SUMMARY OF PAYMENTS --

Trustee's Fee [Line 2]	<u>\$5,100.00</u>
Home Mortgage Defaults [Line 6(d)]	<u>\$0.00</u>
Claims in Default [Line 7(d)]	<u>\$0.00</u>
Other Secured Claims [Line 8(d)]	<u>\$0.00</u>
Priority Claims [Line 9(f)]	<u>\$43,972.67</u>
Separate Classes [Line 10(c)]	<u>\$0.00</u>
Unsecured Creditors [Line 11]	<u>\$1,927.33</u>
Total [must equal Line 1(d)]	<u>\$51,000.00</u>

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

BARBARA J MAY
Bar no. 129689
Barbara J. May Attorney at Law
2780 N. Snelling
Suite 102
Roseville, MN 55113
(651) 486-8887

/s/ ALLEN MIDDLETON

ALLEN MIDDLETON

Debtor

/s/ CHRISTINE MIDDLETON

CHRISTINE MIDDLETON

Debtor (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

MIDDLETON, ALLEN
MIDDLETON, CHRISTINE

Debtor(s).

SIGNATURE DECLARATION

Case No.14-43048

- ☐ PETITION, SCHEDULES & STATEMENTS
☒ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER Conversion to Chapter 7

I, (We), the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury:*

- * The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or Chapter 13 Plan, as indicated above, is true and correct;
- * The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- * **(Individual debtors only)** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- * I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or Chapter 13 Plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- * **(Corporate and partnership debtors only)** I have been authorized to file this petition on behalf of the debtor.

Date: 10-8-14

X Allen Middleton
Signature of Debtor and Authorized Representative

Allen Middleton
Printed Name of Debtor or Authorized Representative

X Christine Middleton
Signature of Joint Debtor

Christine Middleton
Printed Name of Joint Debtor

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

Case No.: BKY 14-43048

Barbara J. May, being duly sworn upon oath, says that on the 8th day of October, 2014, she served via US Mail, the
modified chapter 13 plan

U.S. Trustee
1015 U.S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

GREGORY BURRELL
310 PLYMOUTH BULDING
12 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55415

Seterus, Inc.

Jay Hamilton Memmot, President
14523 SW Millikan Way #200
Beaverton, Ohio 97005

Center for Energy and Environment

Shelden Strom
212 3rd Avenue North, Suite 560
Minneapolis, MN 55401

Dan Nelson, attorney for Great Southern Bank
910 East St. Louis Street
Suite 100
Springfield, MO 65806-2523

Lawrence P Zielke
Shapiro & Zielke LLP
12550 West Frontage Road
Suite 200
Burnsville, MN 55337

all creditors on attached matrix

Another copy of the lien strip motion

was attached

Another copy of the lien strip motion
was served with this modified plan.

Another copy of the lien strip motion
was attached

/e/ Barbara J. May

QUEST DIAGNOSTICS
2269 SAWMILL RD
ELMSFORD, NY 10523

WELLS FARGO BANK NV
PO BOX 3117
WINSTON SALEM, NC 27101

RAUSCH, STURM, ISRAEL AND HORNI
3209 W 76TH ST SUITE 301
MPLS, MN 55435

SETERUS
ATTN: BANKRUPTCY DEPARTMENT
PO BOX 2206
GRAN RAPIDS, MI 49501

SPECIALISTS IN INTERNAL MEDICIN
920 E 28TH ST #740
MPLS, MN 55407

TWIN CITIES THERAPY
527 S Marquette Ave
Minneapolis, MN 55402

TWIN CITY ORTHOPEDICS
PO BOX 9188
MPLS, MN 55480

UNITED RECOVERY SYSTEMS
PO BOX 630339
HOUSTON TX 77263

UPN
PO BOX 2489
WHITE CITY, OREGON 97503

VIVERANT
7815 3RD ST M SUITE 203
OAKDALE, MN 55128

WELLS FARGO BANK
PO BOX 14517
DES MOINES, IOWA 50306

Label Matrix for local noticing
0864-4
Case 14-43048
District of Minnesota
Minneapolis
Wed Oct 8 14:36:03 CDT 2014

Great Southern Bank
Lathrop & Gage LLP
c/o Dan Nelson
910 E. St. Louis, Suite 100
Springfield, MO 65806-2506

Seterus, Inc. as the authorized subservicer
14523 SW Millikan Way
Suite 200
Beaverton, OR 97005-2352

Minneapolis
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415-1320

ALLINA HEALTH
PO BOX 77008
MPLA, MN 55480-7708

AMERICAN ACCOUNTS & ADVISERS, INC
7460 80TH ST S
COTTAGE GROVE, MN 55016-3007

AMERICAN EXPRESS
CUSTOMER SERVICE &
BILLING INQUIRIES
PO BOX 981535
EL PASO TX 79998-1535

AMERICAN MED COLLECTION AGENCY
2269 S. SAWMILL RIVER RD
BLDG 3
ELMSFORD, NY 10523-3848

American InfoSource LP as agent for
First Data Global Leasing
PO Box 248838
Oklahoma City, OK 73124-8838

BMW BANK OF NORTH AMERICA
PO BOX 16075
READING, PA 19612

(p)BMW FINANCIAL SERVICES
CUSTOMER SERVICE CENTER
PO BOX 3608
DUBLIN OH 43016-0306

BMW Financial Services NA, LLC
c/o Ascension Capital Group
P.O. Box 201347
Arlington, TX 76006-1347

CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

CARDMEMBER SERVICE
PO BOX 94012
PALATINE, IL 60094-4012

CENTURYLINK
PO BOX 4300
CAROL STREAM, IL 60197-4300

CHASE
CUSTOMER SERVICE
PO BOX 15298
WILMINGTON DE 19850-5298

CHEROKEE REGIONAL MEDICAL CENTER
300 SIOUX VALLEY DRIVE
CHEROKEE, IOWA 51012-1205

COMENITY
PO BOX 182273
COLUMBUS, OHIO 43218-2273

CONSULTING RADIOLOGIST LTD
825 NICOLLET MALL SUITE 1500
MPLS, MN 55402-2701

Charlie Hofstrom/Brian Duren
15 Magnolia Lane No.
Plymouth, MN 55441-5707

Children's Hospital - Minneapolis
SDS 12-1580 PO Box 86
Minneapolis, MN 55486-1580

DISCOVER
PO BOX 30421
SALT LAKE CITY UT 84130-0421

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

GC SERVICES
PO BOX 3026
HOUSTON TX 77253-3026

GREAT LAKES HIGHER EDUCATION
PO BOX 7859
MADISON, WI 53707-7859

GREAT SOUTHERN BANK
13601 80TH CIRCLE N
MAPLE GROVE, MN 55369-8906

GREEN HORIZONS
6980 OXFORD ST, STE 220
MPLS, MN 55426-4523

HSBC
CARDMEMBER SERVICES
PO BOX 5894
CAROL STREAM IL 60197-5894

INTERNAL REVENUE SERVICE
INSOLVENCY SECTION
PO BOX 7346
PHILADELPHIA, PA 19101-7346

JC CHRISTENSEN
PO BOX 519
SAUK RAPIDS, MN 56379-0519

LAKE POINTE CHIROPRACTOR
5000 WEST 36TH ST SUIT 120
MPLS, MN 55416-2775

MAYO CLINIC ROCHESTER
PO BOX 4004
ROCHESTER, MN 55903-4004

MINNESOTA DEPARTMENT OF REVENUE
551 BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

MN DEPT OF REVENUE
BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

NATIONS RECOVERY CENTER INC
PO BOX 620130
ATLANTA, GA 30362-2130

NORTHLAND GROUP
PO BOX 390857
EDINA, MN 55439

NORTHSTAR LOCATION SERVICES
ATTN: FINANCIAL SERVICES DEPT
4285 GENESEE ST
CHEEKTOWAGA, NY 14225-1943

Northwest Anesthesia, PA
Anesthesiologists
14700 28th Ave N., Suite 20
Plymouth, MN 55447-4876

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

PROFESSIONAL SERVICE BUREAU
4725 36TH AVE N
MPLS., MN 55422-2169

QUEST DIAGNOSTICS
2269 SAWMILL RD
ELMSFORD, NY 10523-3832

Quantum3 Group LLC as agent for
Comenity Bank
PO Box 788
Kirkland, WA 98083-0788

RAUSCH, STURM, ISRAEL AND HORNIK
3209 W 76TH ST SUITE 301
MPLS, MN 55435-5246

SETERUS
ATTN: BANKRUPTCY DEPARTMENT
PO BOX 2206
GRAN RAPIDS, MI 49501-2206

SPECIALISTS IN INTERNAL MEDICINE
920 E 28TH ST #740
MPLS, MN 55407-1163

Seterus, Inc. as the authorized subservicer
PO Box 2206
Grand Rapids, MI 49501-2206

TWIN CITIES THERAPY
527 S Marquette Ave
Minneapolis, MN 55402-1302

TWIN CITY ORTHOPEDICS
PO BOX 9188
MPLS, MN 55480-9188

UNITED RECOVERY SYSTEMS
PO BOX 630339
HOUSTON TX 77263-0339

UPN
PO BOX 2489
WHITE CITY, OREGON 97503-0489

US Dept of Education
Claims Filing Unit
PO Box 8973
Madison WI 53708-8973

US Trustee
1015 US Courthouse
300 S 4th St
Minneapolis, MN 55415-3070

VIVERANT
7815 3RD ST M SUITE 203
OAKDALE, MN 55128-5443

WELLS FARGO BANK
PO BOX 14517
DES MOINES, IOWA 50306-3517

WELLS FARGO BANK NV
PO BOX 3117
WINSTON SALEM, NC 27102-3117

WELLS FARGO BANK, N.A.
PO BOX 10438
MAC: X2505-036
DES MOINES, IA 50306-0438

ALLEN MIDDLETON
3912 MONTEREY AVE
ST LOUIS PARK, MN 55416-5052

Barbara J May
Barbara J May Attorney at Law
2780 Snelling Ave N
Ste 102
Roseville, MN 55113-7115

CHRISTINE MIDDLETON
3912 MONTEREY AVE
ST LOUIS PARK, MN 55416-5052

Gregory A Burrell
100 South Fifth Street
Suite 480
Minneapolis, MN 55402-1210

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BMW Financial Services NA, LLC
P.O. Box 3608
Dublin, OH 43016

PORTFOLIO RECOVERY ASSOCIATES
PO BOX 12903
NORFOLK, VA 23541

End of Label Matrix	
Mailable recipients	59
Bypassed recipients	0
Total	59